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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: MCKINSEY & CO., INC. NATIONAL
PRESCRIPTION OPIATE CONSULTANT
LITIGATION

Case No. 3:21-md-02996-CRB

JOINT STATUS REPORT

This Document Relates to: ALL ACTIONS

Date: October 28, 2022
Time: 10:00 a.m.

1 The parties respectfully submit this status report in anticipation of the October 28, 2022
2 hearing.

3 The remaining parties have met and conferred about a discovery plan, agree the Court
4 should lift the discovery stay, and will file in advance of the hearing a proposed case management
5 order and discovery schedule for the Court's consideration.

6 The Subdivision and School District Plaintiffs and the McKinsey Defendants have reached
7 an agreement in principle to resolve those plaintiffs' claims. These parties will report to the Court
8 on the status of finalizing the settlement agreement at the next status conference, which they
9 propose be held in December 2022. In light of this development, the parties agree that (1) the
10 Court should not adjudicate McKinsey's Motion to Dismiss the Complaints on the Grounds of *Res*
11 *Judicata* and Release (Dkt. 310) at this time, and (2) the deadlines in Pretrial Order No. 7 should be
12 vacated with respect to the Subdivision and School District Plaintiffs.
13

14 The claims alleged by the remaining plaintiff categories (Tribes, Third Party Payors, and
15 NAS Plaintiffs) remain pending. Certain of those claims are subject to McKinsey's pending
16 Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 313), which was argued on March 31,
17 2022. To the extent the Court wishes to hear additional argument, the parties will be prepared at
18 the October 28 hearing.
19

20 Respectfully submitted,

21
22 Dated: October 26, 2022

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24 By: /s/ James L. Bernard
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25 Attorneys for Defendants
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By: /s/ Elizabeth J. Cabraser
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